This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

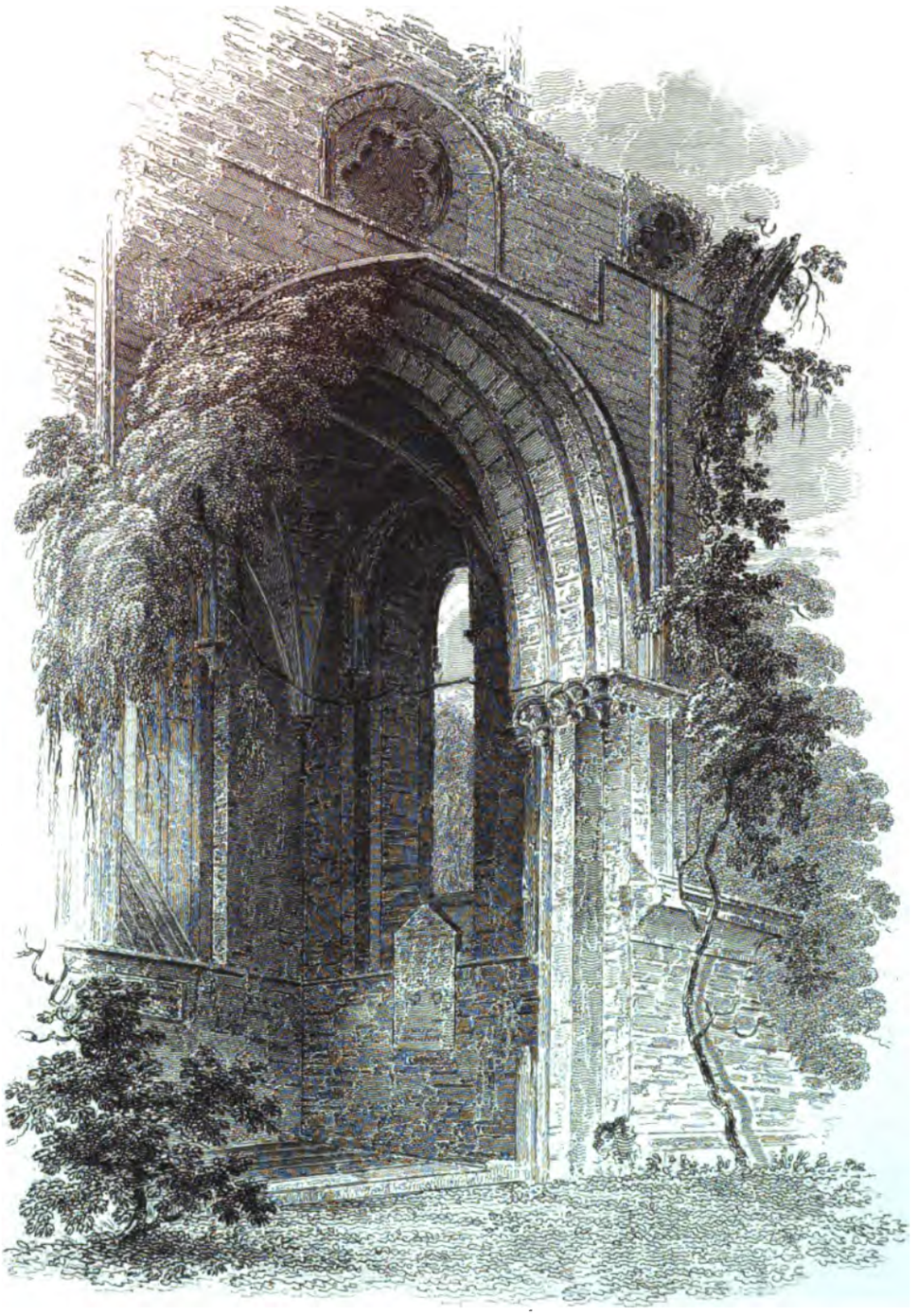
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

FINCH
d. 22

6000439110

21824 d. 22

Very Scarce - Only Thirty Copies privately printed.



MEMORIALS

OF

THE HALIBURTONS.

EDINBURGH:

PRINTED BY JAMES BALLANTYNE AND COMPANY,

At the Border Press.

1824.

BODLEIAN
11·10·1906
LIBRARY

PRELIMINARY NOTICE.

THIRTY copies have been thrown off of these Genealogical Memorials, intended only to gratify the wish of some respectable friends of the present possessor of the Manuscript, whose families are mentioned. It regards a name now totally extinguished, as connected with property, or existing only through female representation, with the single exception of David Haliburton, Esquire, of Muirhouselaw, a person well fitted, from character and circumstances, to uphold the memory of an ancient race.

The original manuscript is a family register, kept by the Lairds of Newmains, representatives of the Haliburtons, Barons of Mertoun, beginning about the middle of the seventeenth century, and continuing down to the period when their possession of the small estate terminated, by Robert Haliburton, the last possessor of the name, and the last male of the family, selling the property in 1766, *to —— Todd, Esq. from whose representatives it was purchased by the present Earl of Buchan, and forms the estate now termed Dryburgh Abbey. The only possession which remains to the descendants of the Haliburtons, so long settled in this place, is the* DOMUS ULTIMA, *their Burial Aisle in the chancel of the Abbey-church, of which there is prefixed a sketch from the pencil of James Skene of Rubislaw.*

The Barons of Mertoun were considerable proprietors, and made some figure in Border History. Their cadets of Newmains seem to have been chiefly distinguished by their manly defence of their rights against the encroachments of their spiritual superior; and latterly,

by their unblemished and unpretending worth and honesty. Their various connections, however, with families which, more fortunate than theirs, still exist and flourish in high respectability, shew that they held a fair station in the world, and the tradition of the country still remembers them as the Good Lairds of Newmains.

Robert Haliburton, last male heir of the family, and who sold the estate as already mentioned, died at Edinburgh about 1788. *The representation of the family then devolved upon the late Mr Walter Scott, Writer to the Signet, eldest son of Barbara, sister of the said Robert, and the only child of his father, Thomas Haliburton, who had issue. Her marriage with Robert Scott in Sandyknow, son to Walter Scott, who was himself second son to the first Laird of Raeburn, is noticed on p.* 52, *with an affectionate prayer for the blessing of their offspring, and notice of the birth of the said Walter Scott. The representation of the extinguished families of Haliburtons of Mertoun and Newmains, has now descended to Sir Walter Scott of Abbotsford, the eldest surviving son of Walter, Writer to the Signet, by his wife, Anne Rutherford, eldest daughter of Dr John Rutherford, Professor of Medicine in the University of Edinburgh, and one of the founders of the great medical school in that city, and of his first wife, Anne Swinton, daughter of Sir John Swinton of that ilk. Sir Walter Scott of Abbotsford was served heir to his grand uncle, Robert Haliburton of Newmains, by a respectable jury at Selkirk, the* 14*th day of February,* 1820.

May God grant that the prayers of the excellent persons who have passed away, may avail for the benefit of those who succeed them!

Abbotsford, November, 1824.

DECLARATION

OF

THE PERSONS WITHIN NAMED,

ANENT

MUIRHOUSELAW'S DEATH.

On the 50th page of the foregoing Memorials, mention is made of the death of Thomas Haliburton of Muirhouselaw, in a rencontre, or scuffle, with his brother-in-law, George Rutherfurd of Fairnington. The particulars of this unhappy affray, one of many about the same period, when deep drinking, and the constant carrying swords, made men apt and ready for mischief, occur in the following examinations, of which the originals are in the Sheriff Court record of Roxburghshire. Thomas Haliburton of Newmains, present on this melancholy occasion, was nearly connected with both parties, being uncle to Fairnington, and a near kinsman to the slaughtered Muirhouselaw. There is a constant tradition, that the matter was huddled up in a way more favourable to Fairnington than could have been the case had the matter been brought to public trial.

THE said day and place, upon application made to John Simpson of Sharplaw, Sheriff-Depute of Roxburgh, Thomas Rutherford of that Ilk, Thomas Haliburton of Newmains, and Mr Mark Dunkison of Greatlaws, three of the friends and kinsmen to the now deceast Thos. Haliburton of Murehouslaw, for taking all the information and precognition anent the way and manner of the said Thos. Haliburton's death, and the circumstances relating thereto. In the first place, the said

John Simpson, Sheriff-Depute forsaid, caused conveen before him the persons under written, viz.—George Rutherford of Farnington, Alexr. Hog, servitor to the defunct, and John Douglas, servitor to Farnington, who compearing personally, and being examined upon the said matter of fact, they and ilk an of them made the seal declarations in manner under wrine as follows, viz.—George Rutherford of Farnington declares, that yesternight, about twelve of the clock, or thereby, the defunct and declarant coming from Jedburgh, in company together with their own servants homeward, in the common rode betwixt Bonjeddart and the Water of Teviot, the said George declares he saw the defunct dismont from his horse and run doun a furr of land for a little piece, but the night being dark, could not see him, but heard him say that he had given himself the wound; and further declares, that no warm words or rude expressions past betwixt the defunct and declarant in the way home, to the best of my knowledge. In testimony whereof I have signed this declaration, day and place forsaid. *Sic subtur.* G. RUTHERFORD, JOHN SIMPSON.

Alexr. Hog, servitor to the defunct, being examined, declares, That Farnington and the defunct Murehouslaw came from Jedburgh together, in company with their two servants, in a peaceable manner, without giving provocation to on another untill they cam to the said common rode which leads from Bonjeddart to Teviot Water, att which place some words past betwixt the defunct and Farnington about a well.* Whereupon Farnington desired Murhouslaw to light if he was a man; and immediately Murhouslaw dismonted from his horse, and drew his sword, as likeways did Farnington dismont and draw his sword at the same time; and declares that Farnington neuer push'd

* The fatal cause of quarrel was a disputed boundary.

at Murehouslaw, but that Murehouselaw offered to strike at Farnington, but the declarant stop him from striking Farnington; and furder declares, that he took the swords from them both, and kept them in his hands for som time; but that Murhouslaw came to the declarant, and took the sword out of his hand; thereafter rane doun the furr of land a little peace, with the drawn sword in his hand, att which time the defunct cried out to the declarant,—Sandie, I have stogd myself in the leg; bring me my horse, for I am gone.—And declares that Farningtoun deliuered the declarant his sword peaceably, and did not call for it again till Murehouselaw was near dead. *Causa Scientiæ.* He declares that he was waiting on his master the defunct, and that he came from Jedburgh yesternight in their company, about twelue att night. And I have signed this declaration, day and place forsaid. *Sic subtur.* (Signed) ALEXR. HOG, JO. SIMPSON.

The said John Douglass declares he saw Farningtoun light off his horse, and that the horse rane away, and the declarant pursued after the horse, but knows nothing else of the matter. Declares he cannot write. *Sic subtur.* (Signed) JOHN SIMPSON.

We, the physician and surgeons under subscriving, being called att the desire of the relations of the deceast Thomas Haliburtoun of Murhouslaw, for to discover and cognose his wounds, and take inspection of his body, having made very narrow search, can find nothing either of fracture in his skull, nor other thing preturnaturall about his head, and having also viewd the trunk of his body, or whole thorax and abdomen, can perceive nothing either of wound or hurt ther. But upon enquirie, we discovered a wound in his left leg, about four inches beneath the joynt of his knee, on the outside the orifice thereof lies about an inch from the forepart of the tibia, which wound seems to have been given by a hollow-bladed sword, and upon search thereof by

a prob, do find it to tend about three inches and a half downwards, directly poynting a little betwixt the tibia and fibbula. Upon the whole, we are joyntlie of opinion that the wound of itselfe, had ordinary and timeous diligence been don towards it, might easily have been recovered, and the hemorhagy, which appears to have been the cause of his death, might very easily been stopt, and testimony that the above declaration is our real opinion, this is signed by us att Hairstanes, the 16th day of May, 1716. *Sic subtur.* (Signed) Jo. Haliburtoun, M.D.; Robert Eliot, Chyr.; Thomas Dauson, Chyr.; John Simpson, S.Dt.

THE

Coat-Armours

OF

ALL THE FAMILIES

OF

THE NAME OF HALIBURTON.

I.—Lord Haliburton, or Dirlton.

Quarterlie, 1. O. on a bend az. 3 mascles of the first.
2. Bary of six O. and G.
3. Arg. on a bend G. and 4th as the first.

For his crest a Moor's head banded and tortile arg. Motto—*Watch Weel.* Supporters, 2 naked Moors banded about the head and middle tortile arg.—The 1st and 4th is his paternall coat. Second is thought to be the Cameron's arms. Third is that of Vaus Lord Dirlton.

That the Lord Haliburton bore mascles, appears by the blazons of an old illuminate book belonging to Henry Fraser Ross, herauld painter, which formerly belonged to Joseph Hume, An. 1654, and to James Workman, An. 1623, and has been an authentick record in the reigns of Queen Mary and King James VI.

As also by Pont's Book, who was provinciall of Louthian.

As also from two MSS. in the Lyon's Register; the one very old; the other, done by way of history of the names of Scotland, later.

There is to be seen in the hands of Mr Nisbet an old blazoning book, belonging to the Marquis of Louthian, where the Lord Haliburton's arms are done as in Fraser's book.

Lord Haliburton is now represented by Pitcurr; the first of which family was Walter Haliburton, a brother of the family of Dirlton; as appears by his original charter under the great Seall, be James, King of Scotland, of the lands of Gask, Kinrossy, two parts of Pitcurr, and Ballingaffe, in favours of Walter de Haliburton, son to Walter de Haliburton de Dirlton, and his heirs, upon the resignation of Katherin Chisholme, daughter to Alex^{r} de Chisholme, whom he had married. This charter is dated Febr. 16, 27th year of that reign.

What year this was, and in whose reign, I cannot tell, whether in King James First's, Third, or Fifth. I apprehend it to have been granted in the reign of King James the First; because we have at that time Walter Haliburton of Dirlton mentioned in our histories; so the 27th year of his reign, reckoning from King Robert's death, is the 1433.

There is an indenture amongst Pitcur's papers, betwixt the Lord Fenton on the one part, and Margaret Aird Lady Egglis and her son and appearand heir, Thomas Chisholme, on the other part, concerning the division of the lands of Gulas and Berlue, dated at Kinrossy in the year 1403; but from this no argument can be drawen.

II.—Halyburton of Pitcur bears O. on a bend az. betwixt 3 boars' heads erased sab. As many lozenges of the first. An helmett befitting

his degree. For his crest a negroe's head couped be the shoulders. Supporters, two wild cats. Motto, ———

Nott. Mr Fraser's blazoning book gives Pitcur mascles, not lozenges.

The boars' heads are the Chisholme's arms.

III.—George Haliburton of Egliscairn, descended of the Lord Haliburton. O. on a bend waved az. 3 lozenges of the first. For his crest, a boar's head erected proper. Motto—*Majores sequar.*

William Haliburton, his second brother, gives the same, with this distinction: Bend waved on the upper, and ingrailed on the nether side.

IV.—John Haliburton of Newmains, representer of the family of Myretoun. Or on a bend az. 3 mascles of the first in the sinister canton; a buckle as the second. For his crest, a stag gazing proper. Motto—*Watch Weell.*

That Haliburton of Mertoun bore mascles appears by the gravestone of John Haliburton, Baron of Mertoun, lying now at Driburgh.

That Newmainse's predecessors in Driburgh, as well as the Haliburtons of Murehouselaw, bore them also, appears by the lintell of the west window of Newmainse's house at Driburgh, built An. 1572.

From this it appears, that the Laird of Mertoun, now Newmainse, bears truly Dirlton's arms, which no other family of that name does.

William Haliburton, first Laird of Mertoun, took the buckle as a mark of cadencie, because he was scutifer, *i. e.* armour-bearer or carrier of the buckler to the Earle, of Douglass, who, for his good services, gifted him the lands of Mertoun.

Haliburton of Murehouslaw, Cadet of Mertoun, now Newmainse, has not as yet matriculate his arms, but uses a seall with Newmains's arms without distinction.

A blank of a page and a half occurs at this place in the MS. the next paragraph beginning at the top of a page.

Sir Andrew Haliburton is slain at the battle of Poictiers, in France, where King John of France was taken. Leslie relates, that severall of our Scotch " non ultimæ nobilitatis viri in Franciam transfretarunt, qui Franco sub Gulielmo Douglassio militantes, prælio ad Pictavium cum Anglis conferto occubuerunt."—Pag. 243. This battle was fought between the 1342 and 1363. Balfour. Drafie.

In the battle of Nisbetmoore, there was none of note killed but Sir John Haliburton.—An. 1355. Balfour.

" Duglassius, divisis in mediocres manus regionatim copiis: suos singulis duces, qui, per vices, vel hostium incursiones prohiberent, vel ipse eos infestarent, dedit. Prima sors Thomæ Haliburtoni Dirltonii fuit: qui satis uberem ex hoste prædam, ex agris Bamburgo proximis, retulit."—An. 1400. Buchan. pag. 305.

Boethius calls this man Thomas Haliburton a Dirlton; called in Hume's of Godscroft History, Lord Dirlton.

In the battle of Nisbetmore, (the Scotch army commanded by Sir Patrick Heyburn of Hailes,) Sir John, and his brother Sir Thomas Haliburtons, were killed.—An. 1402. Balfour.

Boethius calls these two brothers John and Thomas only, not knights.

Robert, the Governour, restored to his dignities and lands George, the traiterous Earle of March; but before Archibald, Earle of Douglass, would consent thereto, and quyte the lordship and castle of Dunbar, he took for himselfe and heirs, for ever, seasine of the castle of Lochmabin and lordship of Annandale; and because Walter Halyburton, Lord Dirlton, son-in-law to the Governour, (having married his daughter Isabell, Countess of Ross,) did mediat the reconciliation betwixt the Governour and the Earle, for his he had 40^{lib} land of Brigeam ere the Earle could gett his pardon past.—An. 1409.

Boeth. Drafie. An. 1417. William Haliburton surprised the castle of Warck, and put all the garrison to the sword; but, not long after, some of the English entered the castle by the conduit that lies betwixt that castle and Tweed, and opened the gates, whereupon more entered, and in reprisall putt all to the sword.

Drafie. Sir John Haliburton went to France with John Stewart, Earle of Buchan, and Archibald Douglass, Earl of Wintoun.

Drafie. An. 1422. Sir John Haliburton killed at the battle of Cravant, in Burgundy.

Balfour. An. 1424. King James I., in his first Parliament, arrested Murdoch, Duke of Albany, his cousin, with 27 others, one whereof is Walter Haliburton of Dirlton.—Hume of Godscroft.

Balfour. An. 1525. King James V. made choice of the Lord Halyburton for one of his counsellours.

Balfour. An. 1437. King James II. made choice for one of his counsellours of Walter Haliburton, treasurer.

Buchan. "Prorex Scotorum veritus, ne, si ipse tanto circumstrepente undique tumultu nichil moliretur, animos suorum labefactatos penitus dejiceret, Brochteam arcem obsedit, ac post tertium fere mensem nulla memorabili re gestâ suos abduxit, relicto cum centum equitibus Jacobo Haliburtono juvene impigro, qui vicina loca infesta redderet, et commeatus

terrestres in Brochteam : et præsidium, quod in colle vicino Angli communierant, inferre prohiberet."—An. 1548.

Leslie relates the same.

James Haliburton, provest of Dundee, recovered Broughty Castle from the English.—An. 1550. Balfour.

An. 1563. When Queen Mary past the act of indemnity, amongst those that were named to judge who were to have the benefite thereof was Mr James Haliburton, tutor of Pitcur, and provest of Dundee. Balfour.

An. 1558. " Regina, Jacobum Haliburtonum, Taoduni Præfectum, jussit Paulum Meffanium comprehensum ad se mittere : verum is, ab eodem præfecto admonitus, ut tempori paulum cederet, oppido excessit." Buchan. p. 533.

This James Haliburton subscrives the first book of Discipline.—An. 1560.

" Prorege Mattheo Stewarto Leviniæ Comite.—Igitur Patricio Lendesio, et Gulielmo Ruveno supremi Ordinis, et Jacobo Haliburtono, Præfecto Taoduni, præmissis, ut, quanta possent celeritate, assumpta juventute Taoduni et Perthi, rumores prævenirent." Buchan. p. 671.

" Vespere, cum Regii, victoriâ læti, se reciperent, Jacobus Haliburtonus, vir bonus, ac rei militaris peritus, qui omnibus peditum copiis præerat, cum ab agmine suorum, quod cogebat, longiuscule abesset, a turma equitum, cum dubia luce, cujus partis essit, dignosci non possit, in compito quodam exceptus, in urbem ductus est." Buchan. p. 694.

An. 1560. " In hac trepidatione, certa clades omnibus imminebat, nisi duces, æquato cum ceteris periculo, ex equis descendissent. Cum illis, pudor multos retinuit : in his, fuit Alex^r Haliburtonus, Centurio, juvenis strenuus, et in causa Religionis instaurandæ acer. Is cum, gravi vulnere accepto, in manus hostium venisset, multis ab eis plagis lethaliter sauciatus, brevi post moritur." Buchan. p. 546.

ADDENDA.

Boeth. A little before the battle of Duplin, William Ramsie of Dalhousie, made an inroad into England, and in his return was attacked, and John Haliburton, one of his company, killed.

In all our histories we never find any family of the name of Haliburton, but that of Dirlton. What these Sir Thomas, Sir John, Walter, and John Haliburtons, knights, were,—whether the predecessors of Thomas Haliburton, designed of Dirlton, or of some other family in Fife, or elsewhere, I cannot determine.

When the Family of Dirlton were made Lords.

In order to discuss this question, it is necessary to premise something concerning the originall of that title in Scotland.

Craig, in his book De Feudis, p. 79.—"In the beginning they were only Barons, but the name of Lord came from hence: all Barons were obliged to give their presence in Parliament, but when they were all there, it being impossible to collect their suffrages because of their multitude, one or two were chosen from every province to treat with the king about the affairs of the kingdom. At first those of the greatest dignity and experience in affairs were delegated and called by the name of Lords; but after ages growing more degenerate, and parliaments becoming more frequent, because most controversies were decided in them, the lesser Barons were not able to bear the charge of

attending; and hence it came to pass, that those who had most riches were delegated instead of those who had most experience; and so those richer Barons retained that dignity during life. And as mankind is always prone to flattery, they retained the name when the parliament was up; and their heirs, being possessed of the same estates, were unwilling to part with the name."

Hence it is y^t we find the Haliburtons called by some Lord, by others Laird, of Dirlton or Haliburton.

The first in our historie designed Dirlton is Thomas Haliburton; called by Buchanan, Thomas Haliburton Dirltonius; by Hector Boethius, Thomas Haliburton a Dirlton; and Hume of Godscroft, who has it from the Book of Paslie, calls him Lord Dirlton.—An. 1401.

Next is Walter Haliburton, called by Balfour, Lord Dirlton, 1409; afterwards in An. 1424, called Walter Haliburton only; by Hume of Godscroft, Lord Dirlton.

And, lastly, we have Lord Halyburton, by Balfour, one of King James the Fifth's counsellours.—An. 1525.

This Lord Haliburton, or his son, having had no sons, his three daughters were heirs portioners; eldest q^{t}of was married to John, Earl of Gowrie; one to George Ker of Faldounside; and one also to the Earl of Hume: so here is an end of that family.

Earl of Gowrie, as having married the eldest daughter, bore the Haliburtons' arms quarterly.

HALYBURTON, or HALIBURTON:—The originall of this name is uncertain; probably at first they've been only Burtons, and come from England with Malcolme Kenmore, or with Edgar Atheling, about the year of our Lord 1160; but since there can be nothing determined as to its etymology, but what is conjecturall, I shall pass it.

I find none of y^t name in any MS. untill the year 1250.

[*Cartulary of*]* *Kelso.*

In the Cartulary of Kelso, a MS. to be seen in the Advocats' Library at Edin^{r}, I find severals of y^{t} name, either donators, confirmers of, or witnesses to donations.

Fol. 52. of the said Cartulary. 1. Confirmation be Philippus de Haliburton, son of Willelmus de Haliburton, miles, of the lands of Melorstane, granted be David Graham, and umq^{ll} Ada de Fauns, his mother's brother, to the Abbacy of Kelso; as also a grant be the s^{d} Philippus of the old bridge on the rivulet of Blackburn.

Fol. 58. 2. Carta super pastura foed. de Molle, by Richard de Lincolne, dated An. 1250, Dominus Henricus de Halyburton, miles, testis.

Super 4 acras terræ in tenemento de Molle. Ada de Roule et Johanna Wyschard sponsa sua filia et hæres quondam Henrici de Halyburton militis†——

Carta super quasdam possessiones in territorio de Molle per Wilhelmum de Vesa. Henricus de Haliburton testis.

Fol. 71. 3. Carta super terras et libertates in tenemento de Molle per Henricum Dominum de Haliburton, confirming the grant of Cecilia, daughter of Eschrew Domini de Molle, and Gilbert Avenell, miles, her heir, to the s^{d} abbacy, An. 1270.

4. Carta Eustachi de Vesa de xx solidis in molendinum de Sproustoun, fol. 85. Waltero de Halyburton teste.

Fol. 107. 5. Carta confirmationis super ecclesiam de Haliburton per Davidem

---

* The words in brackets are not in the MS.

† The sense is here imperfect in the MS.

filium Domini de Truce,* et altera super Capellam de Halyburton per eundem, fol. 107.

Confirmatio super Capellam de Halyburton per Philippum de Halyburton, teste Henrico de Halyburton, milite.

6. Resignatio super jus et clameum in Capellam de Halyburton per Philippum de Halyburton, An. 1261. Fol. 108.

Resignatio super terram q^m^ Adam Long tenuit in territorio de Home; Domino Henrico de Halyburton teste.

Cartulary of Driburgh.

Wilhelmus de Vallibus grants the patronage of the Kirke of Golyne to the Abbacy of Driburgh. No. 22.

Joannes de Vallibus his son, confirms the fores^d^ gift, in King Alexander's reign.

Wilhelmus de Vallibus, for the liberty to build a chappell at Dirlton, gives the nomination of the chaplane to the Viccar of Golyne. And this chaplane was suspended or deposed by the viccar; and gave yearly as an acknowledgment to the s^d^ viccar, 1 lib. of frankincense. No. 29.

Confirmatio de Snalldoun cum pertinentiis, per Joannem Maitland Dominum de Thirlstane, filium Roberti Maitland quondam Dominum ejusdem, ecclesiæ St Mariæ de Driburgh. Henrico de Haliburton, milite, teste. Fol. 98.

Confirmation be Patrick, Earle of March, of all the donations made be his predecessors to the Abbacy of Driburgh; Henrico de Haliburton, milite, teste, An. 1318.

---

* This name, *De Truce*, is written very indistinctly in the MS.

Carta Wilhelmi de Felton super uno burgagio in villa de Roxburgh et 10 solidis ibidem annuatim levand. Richardo de Rutherford Domino ejusdem teste.

Wilhelmus Felton super prædictis burgagio et decem solidis annuatim; testibus Domino Ade de Halyburton, Richardo de Rutherford Domino ejusdem, Joanne Barnard Domino de Fairningdon.

From all which it appears, 1st. That Philippus de Haliburton, son of Wilhelmus de Halyburton, acquyred the lands of Melorstane from David Graham, and Ada de Faunes, his mother's brother, and that probably before the 1250.

2°. That Philippus de Halyburton, An. 1261, bought, or otherwayes had right to, the lands of Haliburton, since he confirms the donations made formerly of the church and chappell of Halyburton, be Patrick, Earle of Dunbar, and one De Truce,* to the Abbacy of Kelso.

3io. Henricus (probably Philip's son) Dominus de Halyburton, possessed the lands of Molle, since we have him confirming the grant of Cecilia, daughter of Eschrew Domini de Molle, and Gilbert Avenell, miles, her heir, An. 1270.

The other Halyburtons, witnesses, viz. Henricus de Halyburton, miles, Walterus de Haliburton, Dominus Henricus de Halyburton, Dominus Ade de Halyburton, have been of Philippus de Halyburton, that first acquyred the lands of Halyburton, his family.

In order to let it be understood how and when they acquired right to the lands of Dirlton, it is fit to give some account of Vaus, Lord Dirlton.

---

* See preceding page.

VAUS is an English name. William the Conqueror banished all the friends of Edgar Atheling from England, An. 1066; amongst others Vaus was one. How he came to the lands of Dirlton, whether be grant or gift from King Malcolm,—for severals of these exiles had gift of lands from y^t^ king, as Leslie relates,—or otherways, is not certain. Leslie. Malcolme III.'s reign.

It appears by the Cartulary of Driburgh, that Wilhelmus de Vallibus granted the patronage of Golyne to y^t^ Abbacy, which his son, Joannes de Vallibus, confirmed in King Alexander's reign.

Wilhelmus de Wallibus built the chappell of Dirlton.

Alexander de Wallibus Dominus de Dirlton, granted the 1^r^. land of Elbottle and Stadfield to the s^d^ abbacy, and confirmed all former donations.

Pope Gregory confirmed all the donations made be the s^d^ Vaus to the fores^d^ Abbacie. This must have been betwixt the 1214 and 1249; for we have Gregory IX. contemporary with King Alexander II., and Gregory X. with Alexander the Third.

One of the successors of Philippus de Halyburton, and his son Henricus Dominus de Halyburton, married the heiress of Lord Dirlton. This is clear, because Halyburton, afterwards Lord Dirlton or Halyburton, quartered the Vaus's arms, which were Arg. a Bend G.

At what time this marriage was, is very uncertain. That it was betwixt the year 1270 and 1400, is undoubted; for in the 1400, we have Sir Thomas of Dirlton mentioned in our histories.

It seems probable that this marriage was betwixt the year 1270 and 1332, because then we have Sir Thomas Halyburton killed in the battle betwixt Mar, y^e^ prorex for King David Bruce, and Edward Baliol, near Perth, An. 1332. This Sir Thomas has been one of Sir Thomas of Dirlton's predecessors.

A Relation of Severall of the Name of Haliburton mentioned in our Scotch Histories.

Hector Boethius. Sir Thomas Halyburton, killed in the battle betwixt Mar the prorex, in the reign of David Bruce, and Edward Baliol, near Perth, 1332.

Balfour's Annalls. Boeth. Sir John Haliburton, following the Earle of Murray, Governour, adhered to King David's interest, An. 1336.

Drafie. Eng-Scotch History. Sir John Haliburton revolted from the King of England, and submitted to David, An. 1338.

Drafie. Boeth. Sir John Haliburton slain at the battle of Durham, where King David Bruce was taken prisoner. Buchanan makes this battle to have been fought, An. 1342; Leslie, 1348; Drafie, 1338.

Balfour. Sir Walter Haliburton was killed at Durham, in England, where King David was made prisoner, 1346.

A

SHORT HISTORY

OF THE

HALIBURTONS IN DRIBURGH.

THE old papers, those especially concerning the law-suit betwixt Abbot James Stewart and David Haliburton in Driburgh, have afforded the matter of this History; which must needs be lame and incompleat, since our predecessours have neglected to transmit any account of themselves to their posterity; and contracts of marriages, testaments, and bonds of provision, whereby not only the elder, but also all the younger children might have been particularly known, were not usuall at those times amongst persons of small estates.

William Haliburton, descended, as is supposed, of the Lord Haliburton or Dirlton, by gift from the Earle of Douglass, (in which gift the said William is designed Scutifer suus,) for his good service to the said Earle in England, was infeft in the lands of Myreton. At what time this William came of Lord Haliburton, or his predecessours, is altogether unknown. 'Tis thought, however, the two brothers, John and Hew Haliburtons, who had a quarrell against one Rutherford, pro-

tected by the Lord Colving, and who slew the s[d] Lord and Rutherford together, were some of his predecessours; since two brothers so named are not to be found amongst his successours.

Hector Boethius, An. 1417.

William Haliburton, who by surprise possessed himselfe of the Castle of Warcke, has been probably one of William of Mertoun's predecessours; but could not well be himself, since he lived in the year 1502, as appears by an instrument, where Ro[t] Langlands dispones a tenement in Lawder to Oliver Edgar, reserving an annuity of five shillings Scots to William Haliburton of Mertoun.

Vid. Procuratory, and an Instrument of Redemption of Lands in Mertoun frae the Laird of Coldingknows, be Walter Haliburton, Laird of Mertoun.

William Haliburton, of Mertoun, had four sons; Walter, who succeeded him, Laird of Mertoun, David, George, and William Haliburtons.

It cann't be determined by any of the writs of this process, nor by any other I ever yet saw, whether David Haliburton in Driburgh, or George in Murehouslaw, was eldest brother. In letters of Lawborrows against Abbot and Convent, being marked No. 6[th] in the Inventary, George Haliburton is named before David. But in the Submission, mark'd No. 10, in the Inventary, David is preferred to John, George's son; as also in the Procuratory, David and his five sons are named before John, George's son, and his brother's bairns; so that we have here the Haliburtons in Driburgh twice preferred for those in Murehouslaw's once. The deference naturally due to uncles, who are in place of parents, might have been the ground of the Halliburtons in Driburgh's preference to those of Murehouslaw, as well as their being principally concerned in the plea; so that no conclusive argument can be drawn therefrom.

I. DAVID HALIBURTON, in Driburgh, married Euphane Gledstanes, daughter to the Baron of Gledstanes, his too near kinswoman; and finding that his marriage, by reason of their propinquity, without the

Pope's dispensation, could not be valid, he petitioned the holy See for to obtain the same, and procured letters from Cardinall Ludovic, dated at Rome 4 Ides of July, first year, Pope Julius the Second, that is, of our Lord 1503, directed to the Archbishop of St Andrews; where, after having narrated that David Haliburton and the said Euphane were but four degrees remote, and for all that had been married, he ordered the said Archbishop to dissolve the foresaid marriage, give 'em dispensation to marry anew, and declare their bairns to be procreat of the said marriage legitime. But in regard by mistake the Cardinall's letter made 'em four degrees remote, whereas the one was only three, the other four, from the common stock, he obtained other letters from the Cardinall, dated 6 Ides July, second year of Pope Julius the Second, confirming his former to the said Archbishop, notwithstanding the mistake; in compliance wherewith, the Archbishop granted his dispensation, dated at Edinburgh, Nov. 23, 1504.

David had five sons, Walter, Thomas, James, Archbald, and Henry Haliburtons; as appears by the procuratory. He got assignation from his father to all the tacks he had of the Abbacie of Dryburgh. He possessed also, by vertue of a tack from the Earle of Home, the teynd sheaves of Mertoun, paying yearly therefore six chalder of victuall.—*Vid. Tack, dated* 1527.

'Tis proper in this place to give a short account of that plea, betwixt Abbot James Stewart and the Haliburtons; since thereby we may not only learn what lands the Haliburtons at that time possessed in Driburgh, but may also observe with what force and vigour, by their unanimitie and concord, they withstood and opposed the powerfull insulting Abbot and his Convent.

No. I. in the Process.

James, Abbot of Driburgh, charges David Haliburton, there, to compear before the Councell at Edinburgh, 21st March, 1532, to answer for his wrongous intromission with,—

1. The corn-mill of Driburgh and her duties, with the mill-croft, extending to 100 merks yearlie, which they might have gott.

2. New orchard near the brew-house of the said Abbay; and a land and tenement within a orchard and yard, lying within the foresaid toun; and of three fore-houses and tailles contiguous; duties thereof extending to 40 lib. yearlie, and 9 kain fowlls at 9 pennies per piece.

3. Five merk lands in Mertoun; maills thereof extending to 5 merks money, 3 doz. fowlls; and ilk 5 years 5 lib. grassum, that is 20 sh. yearlie.

4. Common stable, corn-house, and closs of Driburgh; maills thereof 5 lib. yearlie.

5. Cutting, away-taking the wood and broom; defferring to pay the Abbot therefore; amounting yearlie to 10 lib.

6. Withholding to pay 12 bolls meall, yearlie, for the teinds of Mertoun.

And all that for the space of 8 years, extending yearlie to 105 merks, 56 lib., 12 bolls meall, 3 doz. and 9 kain fowlls.

II. For preventing, I warrant, the trouble, as well as charges of a lawsuit, the Abbot, by his hand-writing, and David Haliburton, by his commission to his two sons, Walter and Thomas, who compeared personally, submitted the whole matter to the King's Majestie; who, at Striveline, the 8th day of May, 1535, gave his decreet; mentioning, That whereas we have been advised, and knowing the saids gentlemen, the Haliburtons, to be leil and true honest men, long servants unto the said Abbay, and good Borderers against England; do therefore decree and ordain, that they shall be repossessed, and brouk and joyce the

tacks and steedings they had of the said Abbay, payand the ..... use and wont; and that they shall be good servants to the said Venerable Father, likeas they and their predecessours were to the said Venerable Father and his predecessours; and he a good master to 'em.

III. Upon which decreet, letters were raised to inputt the Haliburtons in their steadings, May 12th, same year.

IV. In putting which letters in execution, they met with some opposition from the Abbot. For second letters of summonds are raised be the Abbot against the Haliburtons, for their wrongous, violent, and masterfull ejection, and outputting, be themselves, their servants, and accomplices, of the said Abbot,—

1. From the mill; for taking away the mill graith, to 10 lib. value; for lying still the said mill, to 40 lib. damage.

2. For skaith done to their tennents in Mertoun, extending to 40 lib.

3. For sowing the new orchard with bear after it had been tilled, harrowed, and sowen with bear be them; loss 20 lib.

4. For stramping, eating wheat, hemp, leeks, onions, mustard, fruit-trees, within the yards and place of Driburgh, occupyed be Patrick Purves, Chamberlane; damage 20 lib.

Loss, in all, 80 lib. Scots.

All this was done on the 12th of May, in putting the King's letters in execution.

V. On the 22d of June, the Haliburtons procured letters from the King to the Councell, declaring how it had been submitted to him, and discharging 'em to meddle therein.

VI. 14th July, the Haliburtons, dreading bodily harm of the said Abbot and his Convent, obtained letters of Lawborrows against them.

VII. 12th of August, they presented the King's letter to the Councell,

whereupon they referred the whole matter to his Majestie, and meddled no more therein.

VIII. 22d August, there were second letters raised on the King's decreet to inputt the Haliburtons in their possessions, and to make good any loss they had sustained, and, upon refusall, to denounce the said Abbot to the horn; and, upon disobedience, on the 2d of September, they were accordingly denounced.

IX. July 14, 1536. There was a submission subscrived by the Abbot and the Haliburtons of all compts and reck'nings, unto four Lords of Session, and the King as oversman, at Melross; and on the 18th of X. July thereafter, a procuratory . . . . . signed be all the Haliburtons, to Walter and Thomas, David's sons, to appear in name of the rest, and . . . . . decreet given.

This submission reconciled all differences; and, to make it more sure, there was a marriage concluded betwixt Walter, David's eldest son, and Elizabeth Stewart, the Abbot's daughter, which was shortly thereafter solemnized.

Here is the end of this plea, carried on by both parties with all the art and heat imaginable, and decided at last in favours of the Haliburtons, in spight of the Abbot, and all the interest and friends clergymen usually have.

We have no more account of David, wherefore we come to his sons.

An. 1537. WALTER HALIBURTON was married to Elizabeth Stewart, and had by her one daughter, named Elizabeth.

Thomas, finding that his brother Walter had no more children, and that his brother's inheritance would thereby fall into strangers, if not timely prevented, took opportunity to represent this to his brother; upon which there was a meeting of friends, where it was resolved that Walter's daughter should be married by their advice; that Thomas should pay her tocher-good, which at that time no doubt was condescended on; and that Thomas should succeed him in his lands and estate; whereupon Thomas took instruments, and required his brother's performance, Aprile 4th, An. 1559, at Driburgh.

After this, Elizabeth Haliburton was taken away by the Abbot, and married at Stirling to Alexander Erskeen, a brother, as it's said, of Balgony, at that time a servant to the said Abbot; which was taken in so bad part by the Haliburtons, that the Abbot and they could not live in peace together, till at length it was concludit by friends, that the Abbot should few to George Haliburton, Thomas's son, [and] the heirs-maill, these lands which appertained to his grandfather; and so George was the first fewar in Driburgh.

Alexander Erskeen gott by his marriage with Elizabeth, daughter to Walter Haliburton of Sheilfeild, all and haill the lands of Nether Sheilfeild; as appears from a precept be David, Commendator of Driburgh, for infefting the foresaid Alexander in the saids lands, proceeding upon a charter of resignation be the said Walter, to whom these lands did appertain, dated 27th September, 1559. He had also by her four acres of land, with the pertinents; the New Orchard; one acre of Officer-lands, lying betwixt the Lochflat and Bemarsyde; a house and onsted, with a acre of land called Walker's Croft; a croft called Lye-Hill; a yard called Walwort's Yard; a yard called James Wallis; with two corn yards; as they are particularly designed in an instrument of seasine be David, Commendator, to Alexander Erskeene and Elizabeth Haliburton, relative to a precept of the same date, be the

said David, bearing to be contained in the end of a charter be him to the said Alexander. But beside all this, it is evident be David Commendator's charter, dated 1581, to the *foresaid Alexander Erskeen,** that he had by her two yards in the Byregreen; a piece of waste land lying on the west side of the Mantlewall; also four acres farm land lying run-rig in the toun of Driburgh; with an acre called the Cross-acre, and Hagg's lands; as also all and haill the eleven merk land in Mertoun. All which lands were disponed to the heirs of the said Alexander, failzeing heirs to be procreat of the said marriage.

Ralph.

This Alexander was the first of the Erskeens of Sheilfeild, who, as it appears by what has been just now said, had all his lands by his marriage with Elizabeth Haliburton. It argues, then, more of ingratitude than reason in the successours of this Alexander to dispute the precedency with Newmainse; especiallie if it be considered, that George Haliburton, one of Newmainse's predecessours, had his charter of feu-farm from the Abbot, An. 1562; whereas Alexander Erskeen obtained not his till the year 1581. And Thomas, one of George's successours, had his charter under the broad seall after the generall surrender, An. 1634, whereas Sheilfield had not his till 1649.

II. THOMAS HALIBURTON, Walter's brother, and David's second son, was made principall forester of the wood of Driburgh by Abbot James Stewart, for his bypast faithfull and gratuitous service; for which he had paid him, yearlie, eight bolls bear, and the bark of all the trees cutt in the said wood. This is plain from an instrument, No. 3. in old papers.

---

* These three words are under-scored, and on the margin of the manuscript the word *Ralph* is written, which seems to infer a doubt whether Alexander or Ralph be the Christian name of the Erskeen mentioned in the text.

Mr David Brodie, regular chanon and viccar of Gulane, dispones a house and yard in Driburgh, and gives 120 lambs, payable in three years, that is 40 lambs yearlie, with 40 lib. money, and cloths to the value of 20 lib. to Thomas Haliburton, in name of tocher with Elizabeth Pennie, aunt to the said Mr David, and spouse to the said Thomas.—An. 1539.

John, Commendator of Driburgh, grants to Thomas Haliburton, and Elizabeth, his spouse, a liferent tack of four onsteds and acres of land, payand for two of the saids acres merk's a piece, and for the other two, 20 sh. Scots each.—An. 1555.

Who this Elizabeth Pennie was whom Thomas married is not certain, but we find severalls of that name, particularly two, one Hew, the other James, Pennies, portioners in Driburgh; and also one Isabell Pennie, married to Andrew Riddle in St Boswells; as appears by a charter be the Commendator of Driburgh to her in liferent, and her son Andrew Riddle in fee, of the mill and mill-lands in St Boswells, dated at Driburgh, May 10, 1579, whereto George Haliburton is witness. This Isabell has perhaps been a sister of our Elizabeth's.

By Dean William Watson Chamberlan's discharge, it appears that Thomas had in tack the following lands:—

	CH.	B.	P.
Teynd Acres in Driburgh, paying therefore of bear, .	0	12	0
Ferm Land, ...	1	0	0
James Pennie, Barber's Land, ...	0	4	4
In all, ...	2	0	4

And besides, the Whitsunday maill of Driburgh mill, ten merks; and for onsteds occupied be him, he paid 34 lib. 4d.

Thomas had six sons, George, Walter, Andrew or David, called Viccar of Gulane, (he was grandfather to Alexander Haliburton that bought Innerleith,) William, James, and Robert Haliburtons.

Henry Haliburton, David's fifth son, possessed the wester halfe of Fairningtoun, be vertue of the Young's tack. He was killed by George Rutherford of Fairningtoun, who was obliged by the Haliburtons to pay 60 merks for the said bloodshed, to Thomas, Henrie's son. But I shall give a more full account of this family elsewhere.

III.—GEORGE HALIBURTON, son to Thomas, was married to Agnes Haliburton, daughter to John Haliburton of Murehouselaw.

David, Commendator of Driburgh, granted a charter of feu-farm to Elizabeth Pennie, Thomas's relict, in liferent, and to George Haliburton, her son, in fee, of the mill, mill lands, and multures of the lands and teynds in the paroch of Mertoun, and parsonage teynds in Lessudden, belonging to the said monastery, as also of the Forester's acre and lie Malthouse-wallis, without any claim of right or intromission with the wood of Driburgh ;—all and haill the Farm-lands in Driburgh ; five-merk lands in Mertoun ; with four acres of land in Driburgh, with houses and pertinents ; and all to be holden of the said Commendator and his successors, abbots of the said monastery, for the yearly payment of 61 merks money, three dozen and a half poultry, and 21 threavs straw. 'Tis to be observed, that this charter is granted with the following provision, That the said Elizabeth Pennie, her son George, and their heirs, shall behave themselves so towards us, our factors and servants, especiallie Alexander Erskeen and Mr William Wilson, as not to molest or injure them, under the pain of loseing this present infeftment. This clause seems to have proceeded from the Haliburtons' resentment of the injury done them by the Abbot, in Elizabeth Haliburton's marriage with Alexander Erskeen.

George, after this, in the year 1572, built a house for himselfe near the mill at Driburgh ; and caused cutt the Laird of Mertoun's arms for himselfe and his wife Agnes upon the lintell of the west window of the said house.

In the year 1581, he obtained a charter from David, Commendator, of the Milne-haugh and Chingill contiguous the New Orchard and Walker's Croft, as also of the parsonage teinds of the said Mill-haugh, and of five acres of land in Driburgh belonging to the said George, to be holden of the said Abbot for yearly payment of five merks.

King James the Sixth, An. 1585, confirmed both these charters in favours of George Haliburton.

George possessed, be virtue of a nineteen years' tack from Alexander Lord Hume, the teynd sheaves of the lands of Whitalls, Lady-Part, and Burngrange, with Nether Sheilfeild, (whilk lands, as it is expressed in the tack, the said George and his predecessours had possessed thir many years bygone,) for which he paid yearlie ten pound Scots. This tack commenced, An. 1587.

'Tis doubted whether Andrew Haliburton, named witness in a precept of *Clare Constat* be Sir John Turnbull to Walter Ker of Hirsell, dated at Driburgh, An. 1573, was a brother of George's or not.

George had two sons, James and John Haliburtons, but no daughters that we read of.

George lived till the 1606 year of our Lord.

IV.—James Haliburton, George's eldest son, was married to Margaret Haig, daughter to Robert Haig of Beemerside, as appears by their contract, signed at Beemerside and Driburgh 20th January, 1591, whereby Robert Haig binds himselfe to pay to the said James 700 merks money, and thirles the corns growing on the Mains and Lands of Beemerside to Driburgh Mill.

James had, by his wife Margaret, a daughter, named Margaret, in the year 1593, and a son, Thomas, in the year 1597, and two other sons, John and James.

George Haliburton entered into a contract with Roᵗ Haig of Beemerside; be vertue whereof, George was to be infefted in the Mainse of Beemerside, and to possess the samen, ay and whill the lawfull redemption thereof be the payment of 1800 merks money. This was done in the year 1600.

It appears, by the bounds of the lands specified in the said contract, that it was Nether Mainse, the same almost as presently possest by Newmainse, wherein George was infeft.

James Haig of Beemerside, in the year 1606, binds himselfe to observe and keep the foresaid contract in its haill heads and clauses, and finds Ralph Erskeen cautioner; and, in the year also 1609, he renews both the said contracts, and obliges himselfe to reiterate and confirm them, as also to infeft John Haliburton, George's second son, as assigney lawfullie constitute thereto, in the lands of Nether Mainse. For the performance whereof Thomas M'Dougall of Stodrig and David Pringle of Hownam are cautioners.

And now James Haig having abstracted his multures of the crop 1609, James Haliburton caused inhibite him the year thereafter. Whereupon matters were accommodate.

James died in the year 1613, as appears by a grave-stone lying in Newmains's buriall-place at Dryburgh.

John Haliburton, James's brother, was, An. 1610, as assigney to his father George, infeft in the lands of the Nether Mainse of Beemerside; which he possessed till the year 1622, when he disponed them to William Gledstanes; and the foresaid William made them over to Thomas Haliburton, portioner of Driburgh, in the year 1625.

He was married to Barbara Bruce, daughter to Ninian Bruce, bro-

ther to Archibald Bruce of Pousouls, and chamberlain in Driburgh, by whom he had his son George. John, by this marriage, gott $\frac{1}{8}$ part of his father-in-law Ninian Bruce's lands, which he sold to Ralph Erskeen; and the said Ralph sold them, An. 1625, to Thomas Haliburton in Driburgh.

What became of John, his son George, and their posterity after this, I know not.

* This John died before the year 1625; for George, his son, portioner in D., grants a bond to Robert Milne, cobleman, for 20 lib. Scots, with consent of his curators, Thomas Halyburton, and John, his brother-german, and Andrew Home, portioner in Ridpath, dated 21st January, 1625.

V. THOMAS HALIBURTON, son and heir to James, born An. 1597, and but sixteen years old at his father's death, being, by reason of his minority and non-age, incapable to manage his affairs, he choosed for his curators William Ker appearand of Zair, Mr William Haig of Beemerside, John Haliburton appearand of Murehouslaw, and John Haliburton in Driburgh.

Margaret Haliburton, Thomas's sister, born An. 1593, was, on March 28, 1617, married to John Erskeen of Sheilfeild; and the said John, by the contract of the same date, for the payment of 2700 merks of tocher, is bound to infeft the said Margaret in all his lands in Driburgh and Sheilfeild, with their pertinents, for her lyfe-rent, reserving only the principal house, yards, dove-coat, and office-houses, in Driburgh, to his heirs-male.

---

* This paragraph, which is written in the same hand on the margin of the MS., appears to have been inserted at a subsequent period.

King James VI. having, An. 1587, annexed the haill temporality of the Kirke to the crown, he thereafter, An. 1605, granted and disponed by charter, under his great seal, to John, Earle of Mar, all the lands and baronies that pertained of old to the Priory of Inchmachom, and Abbacies of Driburgh and Cambuskenneth, which he united into one baronie, to be called the Lordship and Barony of Cardrose; which grant the Parliament holden at Perth, An. 1606, ratified and confirmed; so that by this erection of the Monastery of Driburgh into a temporall lordship, the Earles of Marr came to be superiours, in place of the Abbots; and be vertue hereof, John, Earle of Marr, granted a precept of *Clare Constat*, for infefting Thomas Haliburton, oye and heir to George Haliburton, in the lands and mill contained in the first charter, as also another precept for infefting him in the Mill-haugh; both dated 24th December, 1621.

Thomas was married to Marie Haliburton, eldest lawfull daughter to John Haliburton of Mertoun, as appears by their marriage contract, of the date 16th March, 1625; by which contract, Thomas is obliged, for the payment of 3000 merks money, in name of tocher-good, to infeft and sease the said Marie in the just halfe of the mill and all his lands, for her life-rent. 'Tis to be observed, that the Laird of Mertoun signs in this contract *Mairton;* as also in a charter be Thomas Haliburton to Marie Haliburton of certain lands, in 1635, he signs *Mairton*, witnes.

Ninian Bruce, chamberlane to the Commendator of Driburgh, possessed 38 acres of land in the town of Driburgh, as also 21 acres more in the said town, in all 59 acres, with the pertinents, together also with the passage-boat, and fishing upon the water of Tweed; who having had no sons, infeft his six daughters heirs-portioners in his lands.

John Haliburton, having right by his marriage with Barbara Bruce,

Ninian's daughter, to $\frac{1}{6}$ part, sold it to Ralph Erskeen, who, An. 1625, resold it to Thomas Haliburton.

Jean and Mary Bruces, daughters to the said Ninian, dispone, with consent of Alexander Kirktoun, spouse to the said Jean, and Thomas Alison, spouse to the said Mary, their $\frac{2}{6}$ parts in favours of Thomas Haliburton in Driburgh and John Erskeen of Sheilfeild, to be equally divided betwixt them, An. 1630. So by this means, Thomas has right to two-sixth parts of the said Ninian's lands.

Thomas procured a charter of resignation in his favours under the great seal, relative to the generall act of surrender, of all and haill his mill and lands, which the said charter, bearing date 12th July, 1634, at more length specifies.

An. 1637, David Haig, of Beemerside, dispones the lands of Over and Neither-Mainses, with Moroden, to Thomas Haliburton, whereof he obtained a charter under the great seal, dated 16th January, 1638. And at this time he took first the title of Newmainse.

Anno 1661, Thomas raised a process before the regalitie of Melross against the fewars of Lessuden for their thirle multures, amounting to six chalder victuall yearly; whereof, in regard they were distinct from the rentall boll payable to the tituler, and had been in use to be paid to the Abbot's mill, and whereto he had by his charter good right, he craved not only the payment in time coming, but all bygones resting unpaid. The year following, the fewars fearing lest a decreet be decerned against 'em, advocat; whereon there was nothing materiall done afterwards.

A more particular information of this business may be had from severall papers under Thomas's own hand.

Thomas had, by his wife Mary Haliburton, three sons, John, David, and William Haliburtons, and three daughters, Janet, Margaret, and Elizabeth.

Thomas Haliburton, of Newmains, died upon Thursday, 30th of January, 1673 years.

Mary Haliburton, his spouse, died upon the 7th day of June, 1667.

Margaret, his sister, (vid. p. 28.) had, with John Erskeen of Sheilfield, two sons, James and William Erskeens, and* daughters. She died, Saturday 12th of December, 1668, and her husband, John Erskeen, died on Monday 16th December, 1672.

James Haliburton, brother to the said Thomas, born An. , was cruelly murdered in Beemerside wood, after the following manner:—A partie of soldiers, consisting of 16 or 17, came from their quarters at Lawder, on the 15th of March, 1651, to Driburgh; where, after having committed many insolences, and particularly by wounding John Erskeen, and one of his sons, ... of the said partie, on their return, having been informed that Thomas Haliburton in Beemerside was in the wood, came to the top of the brae above the said wood; and, dismounting, two of them came down to the brae foot, where finding James Haliburton, brother to the said Thomas, and John, Thomas's son, notwithstanding their demanding quarter, attacked 'em, and at a second thrust killed James; whereupon John fled to his father Thomas, who was walking alone at a little distance in the said wood: the soldiers attacked 'em also, and thrust Thomas throw the cloak; whereupon the said Thomas gott in on him, and after much struggling, as well in as out of the water, had quarter granted him. But the soldiers, after they had carried him and his son to the top of the brae, in violation of their promises, by the assistance of their other two comrades they left there standing, after some blowes given, stript them, and let them go.

---

* Blank in MS.

On the 17th of March, Thomas Haliburton went to Lawder, and complained to their officers; and, upon production of the whole regiment, pitched on the man that committed the murder, who thereupon was hanged.

John Haliburton, Thomas's third brother, born* ; married ; had one daughter named ; that died unmarried.

He was curator to his cousin, George Haliburton. He subscribes witness in severall of Souden rights. I find nothing materiall concerning him.

VI. JOHN HALIBURTON, son and heir to Thomas Haliburton of Newmainse, born An. , was, in An. 1666, married to Margaret Rutherford, second daughter to John Rutherford of Edzerstoun.

Janet Haliburton, Thomas's eldest daughter, was married to Walter M'Dougall, third brother to Henry M'Dougall, of M'Karstoun. By their contract, dated 19th day of October, 1661, he binds himselfe to be worth and have in readiness 5000 merks, and, upon the payment of 3500 merks by Thomas Haliburton of Newmainse, in the name of tocher, with his said daughter, he provides her yearlie, in life-rent, to the sum of 360 merks. In An. 1665, January 2, Walter M'Dougall died, leaving one son, Thomas, and a daughter, Margaret M'Dougall. After having disponed his moveables to his children, he named Henry M'Dougall of M'Karstoun, and Thomas Halyburton of Newmains, their tutors.

In the end of January, 1666, Thomas, Walter's son and appearand heir, died; as did also his daughter in February thereafter.

---

* These spaces all blank in the MS.

After Walter's decease, Janet lived at Driburgh and Beemerside till the 16th of March 1669 years, when she died also, and was enterred at M'Karston beside her husband.

Margaret Haliburton, Thomas's second daughter, was married to Mr John Greive, portioner in Lessudden, who by his contract, dated at Driburgh, 11th January, 1661, bound himself to be worth 9000 merks money; and for the payment of 2500 merks, provided her to the annual-rent of 1000 merks during the minority of his children, and after their compleat age, to the annual-rent of the halfe thereof.

This Mr John Grieve afterwards bought the Pinnacle from Gideon Wauchop; but, by the money he expended in carrying on law pleas, and mismanagement together, he was obliged to sell it to George Douglass of Friershaw.

Mr John had by his wife Margaret one son, James, and two daughters, Elizabeth and Jean. His son married against his friends' will, meanly, one Scot, at Edinburgh. His daughter Elizabeth was married to John Ker, of the house of Lochtour, an ill manager.

Notand. p. 15.*—The original charter is granted be Archibald E. of Douglas, Lord Galloway, to Henry Haliburton of the 10 merk land in the toun of Mertoun, to be holden of the said E. blench, dated August, 1407 years.

There is a retour, whereby William Haliburton is served heir to Isabel Haliburton, his mother, of a 10 lb. land in Mertoun, dated October 22, 1471 years.

This appears from Harden's old wrytes; and William is not the first, but Henry.

* Page 2 in the MS.

[The MS. is now carried on in the hand-writing of *John Haliburton*, mentioned at page 31.]

THE Lord removed my mother upon y^e^ eleventh day of June, i^m^vi^c^ threescor seven yeirs.

It pleased God to call my Ante, Johne Erskine of Sheilfeild's wife, upon Saturday y^e^ 12 of December, 1668.

The Lord removed my sister Janet, relique of umq^ll^ Walter Mackdowgall, upon y^e^ sixteenth day of March, i^m^vi^c^ threscore nyne years.

My brother-in-law, young Edzerstone, was removed upon Tuesday 27 August, 1672.

The Lord removed my father, Thomas Haliburton of Newmayns, upon Thursday 30 January, 1673 years, about two a-cloake in the afternoone.

Johne Erskine of Sheillfeild was removed upon Monday morning very early, the 16 of December, 1672 years.

The Lord removed my brother William upon Tuesday 4 February, 1673, about thre a-cloake in y^e^ morning.

My third daughter was removed before she was baptised, upon Fryday ninth of August, 1678, towards sixe a-cloake in the morning.

Johne Rutherfoord, Laird of Edzerstone, my father-in-law, was removed by death, Fryday y^e^ twenty-fyft of November, i^m^vi^c^ eighty-one years; q^lk^ day Mr Jo^n^ Scott, minister of Oxname, was buried, who was a very honest man and kinde freind, and was removed y^e^ Tuesday be-

for, being y. fytenth day. The s^d Laird of Edzerstone's death was very sade to his friends, (one of q^m they could not have a greater losse,) and to y^e place of y^e country where he lived, as none but such as are his enemies could denye.

[The three following entries are in the hand of *Thomas Haliburton*, son and heir of *John*, the preceding writer, and appear to have been inserted afterwards, in addition to his father's memoranda.]

John Haliburton of Morehouselaw, was buryed one the 26 of Aprile, i^m vii^c and four years, in the 74^th year of his age.

Jean Pringle, Lady Morehouslaw, was buried on the 4^th day of March, i^m vii^c and five years.

John Haliburton of Morehouselaw dyed suddenly at Edinburgh upon the tenth day of Nov^br, i^m vii^c and five years, and was buried there.

[The MS. is again continued in the hand of *John Haliburton*, the son of *Thomas*.]

I was married upon Thursday y^e^ 27 of December, being y^e^ day commonly called St. John's day, in y^e^ year of our Lord i^m^vi^c^ threscore sixe.

My daughter Barbara was borne upon Fryday y^e^ eighteene of December, betwixt ten and eleventh a-cloake at night; and was baptised upon Sunday y^e^ twenty day, at Merton church, in y^e^ yeir i^m^vi^c^ threscore eight.

My sone Thomas was borne upon Tuesday y^e^ seventeenth of May, about five a-cloake in the afternoon, and was baptised upon Tuesday the seventh of June, in y^e^ yeir of our Lord i^m^vi^c^ threscore tene.

My sone Johne was borne upon Sonday third of Marche, betwixt thre and four in y^e^ afternoone, i^m^vi^c^ threscore twelve years. He was baptised upon Fryday the fyftenth day of y^e^ same monthe.

My third sone, Andro, was borne upon Sonday nynth of Marche, i^m^vi^c^ seventy-thre, about thre or four a-cloake in y^e^ afternoone: he was baptised upon the seventh day of Aprille, the same year, at y^e^ Aby in Dryburghe.

My fourth sone, William, was borne upon Fryday y^e^ twenty-two day of May, i^m^vi^c^ seventy-four years; he was cristened at Maxtone churche upon Tuesday y^e^ 14 of Jully, year fors^d^. Y^e^ reason why it was so longe betwixt his birthe and baptisme was, because y^e^ kirke of Merton was y^n^ in a maner vacante. It was, to our conjecture, betwixt thre and four in y^e^ afternoone q^n^ he was borne.

My second dawghter Margrat, was borne Thursday eight day of June, i^m vi^c seventy-sixe, as we conceav'd about eight a-cloake in y^e morning; and was baptised at my owne house in Dryburghe, Monday y^e twelvt day of y^e s^d monthe.

It pleased y^e Lord to remove this childe Margrat upon Monday the twenty-four of December, 1677, betwixt nyne and ten a-cloake in y^e forenoone; she was burried upon Wednesday, y^e 26 day of y^e monthe foresaid, in the afternoone.

My third dawghter was borne Sonday fourth August, 1678, about two a-cloake in y^e morning; and was removed by deathe befor she was baptised, upon Fryday nynth of y^e fors^d monthe, towards six a-cloake in y^e morning.

My fyft sone, David, was borne Tuesday twelvt day, betwixt sixe and seven a-cloake in y^e afternoone, in y^e yeare 1679.

My forsaid fyft sone, David, was removed by death upon Saturday eightenth of December, towards eight a-cloake at night; and was buried upon Tuesday y^e twenty-first day of y^e monthe forsaid.

My second sone, Johne, was removed by deathe, Monday 16 of May, towards two a-cloake in y^e afternoone; and was buried upon Wednesday afternoone, y^e 18^th of y^e monthe forsaid, in y^e year of our Lord i^m vi^c eighty-one.

My sixt sone, also named Johne, was borne Fryday y^e tenth of November, i^m vi^c eighty-one; and was baptised Tuesday twenty-two of y^e s^d monthe, by Mr Andro Meldrume, at my owne house: y^e s^d Mr Andro was minister at Merton.

My fourth dawghter, Elizabeth, was borne Saturday thirty day of December, betwixt sixe and seven a-cloake at night, i^m vi^c eighty-two years; and was baptised upon Fryday fift of January, 1683 years. This was my tenth childe; six sones and four dawghters.

My fyft dawghter, Mary, was borne Monday twenty October, i^{m}vi^{c} eighty-foure years; and was baptised in y^{e} Abby at Dryburghe the eleventh day of November thereafter. This was my eleventh childe.

My sixt dawghter, Violet, was borne Monday twenty day June, towards seven a-cloake at night; and was baptised Thursday twenty-third day of y^{e} month fors^{d}; who was my twelvt childe.

* The said Violet deceased of y^{e} small-pox and a fever, at the Park, Saturday y^{e} 28 of June, 1690, about 8 o'clock at night; and was buryed at Dryburgh the last of y^{e} s^{d} month, being Monday, at night. On y^{e} day of her buriall, Cliftoun's youngest daughter, called Margar^{t}, deceased of y^{e} same sicknes about 10 o'clock forenoon, and was buryed in Morbattle 1st July.

†My eldest dawhter, Barbara, was maryed to George Rutherfoorde, younger of Farningtone, Thursday eleventh of Marche, i^{m}vi^{c} eighty-sixe years.

---

* This is in the hand of Thomas Haliburton, the son.

† This in the hand of John, the father.

[The MS. is now carried on in the hand of *Thomas Haliburton.*]

My father, John Halyburton of Newmainse, deceased upon the thrid of March, being Munday, att night; and was interred y^e^ Friday thereafter, i^m^vi^c^ and eighty-eight years, att Driburgh.

Mr David Halyburton, my uncle, writter to his Majesty's Signet, who never was maryed, and to whose protection his brother's children, being all minors, was left, and discharged that office most dutifully, he was removed upon Thursday the 29 day of Aprile, betwixt six and seven of the morning; and was interred att Dryburgh upon Tuesday the fourth of May, i^m^vi^c^ and ninty-seven years, being 58 years old.

Margrett Haliburton, Lady Pinnicle, dyed on the 8th of February, i^m^ vii^c^ and one years.

My father, John Haliburton, of Newmainse, heir male and representer of the family of Mertoun, who was maried to Margret Rutherfourd, second daughter to John Rutherfourd of Edgerstoun, (his eldest being maryed the same day to Andrew Ker of Liteldean,) was removed upon the thrid day of March, i^m^vi^c^ and eighty-eight years, and interred in his burial place at Dryburgh, being 58 years of age; leaving all his children in minority, educat by our uncle and mother, who never maried again for the respect she had to her family and children.

My mother, Margret Rutherfurd, second daughter to John Rutherfurd of Edgerstone, dyed upon the 24 day of Sept^r^ 1747, in the 97 year of her age; being married in her 16 year, and with her husband 22

years; and in widowhood 59 years; and had 12 children; and decently interred in our burial-place in Dryburgh, upon the 28 of Sep^{r}, year foresaid; ane virtuous woman, and kind to her children, and a widow in the 38 year of her age; not marying for the good of her family.

I was marryed upon Munday, January y^{e} 13, i^{m}vii^{c} and one years, to Jannet Campbell, only daughter to Robert Campbell of Northwood-side, Dean of Gild of Glascow, of his second mariage, with Jean Dunlop, eldest daughter to James Dunlop of Garnkirk.

My second brother, Andrew Haliburton, writter to his Majestie's Signet, was marryed to Marrion Eliott, second daughter to Robert Elliot of Midlemiln, upon y^{e} eighteen day of Aprile i^{m}vii^{c} years.

My daughter Jean was born upon Wedensday the eight of July i^{m}vii^{c} and two years, betwixt seven and eight of the cloak in the morning; and was baptized the ninth day of the said moneth, att my house of Dryburgh, by Mr Robert Liver, minister of Mertoun.

My second daughter, Margrett, was born upon Teusday the thritten day of June, i^{m}vii^{c} and four years, betuixt nine and ten of the cloak in the morning; and was baptized the fifteen day of the said moneth, att my house of Dryburgh, by Mr Robert Edgar, minister of Maxtoun.

My thrid daughter, Barbara, was born upon Munday the fourth day of March, i^{m}vii^{c} and six years, betwixt two and three in the afternoon; and was baptized the seventh day of the same monneth, att my house of Dryburghe, by Mr George Byers, minister of St Bosswalls.

My son John was born upon Saturday the twentieth-second day of March, twixt eight and nine in the morning; and was baptized the last day of the said moneth, at my house of Dryburgh, by Mr George Byers, minister of St Bossells, in the year of our Lord i^{m}vii^{c} and seven years.

My fourth daughter, Lilias, was born upon Saturday the eight of October, i^{m}vii^{c} and nine years, about eleven of the cloack at night; and was baptized upon the ninth of the said moneth, at my house of Dryburgh, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my eldest daughter, Jean, upon Sabbath the twenty-thrid of December, i^{m}vii^{c} and forty-four years, twixt seven and eight at night, to the great grief of her parents, brothers, and sisters, and to all that knew her; enjoyed a fine character, and affectionat to her parents, and brothers, and sisters, sympathizing much when any of them was in trouble; having dyed at her brother John his house, at Edinburgh, was interred by him and her friends there in a decent and gentile manner, upon Wednesday the 26 of December, at three of the clock afternoon, in Grayfriers, beside her grandmother, for whom she was named.

It pleased God to remove my second daughter, Margret, upon Wednesday the thrid day of May, i^{m}vii^{c} and ten years, about ten of the cloake at night. She was buried in my buriall-place of Dryburgh, upon the fifth of the foresaid moneth, twixt five and six in the afternoon.

My fifth daughter, Margaret, was born upon Tuesday the twenty-seventh of November, i^{m}vii^{c} and eleven years, twixt eight and nine of cloak at night; and was baptized the fifteen day of December, at my house in Dryburgh, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my fifth daughter, Margret, upon the 2d

of Aprile, 1750; who was buryed in my buriall-place of Dryburgh, upon the sixth of the foresaid moneth, at three afternoon.

It pleased God to remove my fourth daughter, Lilias, upon Wednesday the fifteenth day of November, i^{m}vii^{c} and fifteen years, about four in the morning. She was buried in my buriall-place of Dryburgh, upon the sevententh of the foresaid monneth, about three in the afternoon.

My sixth daughter, Janet, was born upon Thursday the twelth of September, about two in the morning, i^{m}vii^{c} and seventeen years; and was baptized upon the sixteen instant, at my house in Dryburgh, by Mr George Byers, minister of St Bosswalls.

[The following entry is in a different hand, and seems to have been interlined afterwards.]

Janet Haliburton, daughter of the deceased Thomas Haliburton, dyed at Edinburgh, on the 28th of April, 1763.

[Continued in *Thomas Haliburton's* hand.]

My second son, Robert, was born upon Friday the fifth of September, i^{m}vii^{c} and eighteen years, about seven in the morning; and was baptized upon the tenth of the said monneth, by Mr George Byers, minister at St Bosswalls.

My dear wife, and nurse to me in my old age, Janet Campble, it pleased God to remove her upon Sabath, between four and five in the afternoon, being the 17 day of November, i^{m}vii^{c} and fifty-one years; and interred upon Thursday the twenty-one day thereafter, in my buriall-place of Dryburgh; whose death was much regretted, by the loss of so good and virtuous a wife to me, and her family, and by all her friends and acquaintance that knew her; and may the Almighty God, who can only supply our loss, send us such a blessing as she was for the support of this family. Her last time in church was in attending the sacrament and communicating 2 weeks before. Praying God I may be prepared, and soon follow, and no more parting, hoping she is happy; being now in the 82 year of my age, and she about 69.

[The two following paragraphs are in a more modern hand, the same as on page 42.]

Thomas Haliburton of Newmains dyed the 25th June, 1753, in the 84 year of his age, and was interred on Friday the 29th current, at his burying-place in Dryburgh. He was one of great honour and honesty, who made a good husband, a good father, and loved his friends so much, that he even did not regard his own interest when it was in his power to serve them. He had a very circumspect walk, charitable, just, benevolent, grateful, and sincere; he was greatly lamented by all his friends, and all that had the happiness of his acquaintance.

John Haliburton of Newmains dyed the 26th April, 1754, and was interred here on Tuesday the 30th current, in the 47th year of his age, unmarried; he was a merchant in Edinburgh to his business; his character was fair in that way, and honest towards all men.

[The MS. continued in the hand of *Thomas Haliburton.*]

My brother Andrew his eldest son was born upon Teusday the twenty-sixth of November, i^m^vii^c years, being y^e^ seventh monneth, and the child dyed unbaptized.

His eldest daughter, Elizabeth, was born upon Wedensday the eighteen day of February, i^m^vii^c^ and two years, betwixt one and two of the cloak in the morning.

His second son, John, was born upon the twenty-thrid day of September, i^m^vii^c^ and three years, betwixt seven and eight in the morning, being Thursday.

His thrid son, Robert, was born upon Munday the fourth of September, i^m^vii^c^ and four years, betwixt six and seven of the cloak att night.

His fourth son, Gilbert, was born upon Thursday the twenty-ninth of November, i^m^vii^c^ and five years, betwixt six and seven of the cloak in the morning. And all the four foresaid children were baptized by Mr William Abercrumbie, minister of the Tolbooth in Edinburgh.

His fifth son, Thomas, was born upon Friday the thritieth day of May, i^m^vii^c^ and seven years, twixt two and three in the morning; and this child likewise baptized by the foresaid Mr William Abercrumbie.

It pleased God to remove the child Thomas upon the twenty-second day of November, i^m^vii^c^ and eight years, about eight of the cloak at

night; and was interred upon the twenty-thrid at Bouden church, in Midlmiln his buriall-place, having dyed there.

His sixth son, Andrew, was born upon Wedensday the twenty-eight of June, i^{m}vii^{c} and ten years, twixt eleven and twelve in the forenoon; and baptized by Mr William Mitchell, minister of the Old Church at Edinburgh.

His second daughter, Margret, was born upon Saturday the sevententh of November, i^{m}vii^{c} and eleven years, 'twixt twelve and one in the morning; and baptized by the foresaid Mr William Mitchell. She dyed the twenty-sixth of November y^{e} said year, and was interred that night.

His seventh son, George, was born upon y^{e} fourth day of July, i^{m}vii^{c} and thirteen, at five of the cloack in y^{e} morning; and was baptized by Mr William Mitchell aforesaid. He died upon the twenty-ninth of March, i^{m}vii^{c} and fourteen years, and buried in the Greyfrier churchyard at Edinburgh.

His eight son, Gawin, was born upon the fifteen day of October, i^{m}vii^{c} and fourteen, twixt the hours of six and seven in y^{e} morning; baptized by Mr Nissbett, minister of the Old Church at Edinburgh.

His ninth son, William, was born upon the twenty-fifth day of June, i^{m}vii^{c} and sixteen years, and was baptized by the foresaid Mr William Mitchell, being born twixt nine and ten at night.

[The two following entries are in a different hand, which appears from other papers to be that of John Haliburton, clerk to Andrew Haliburton, W.S.]

His third daughter, Marion, was borne the fifteenth of October, i^{m}vii^{c} and seventeen, betwixt three and four in the afternoon, and baptized by said Mr William Mitchell.

His fourth daughter, Jean, was borne the twenty-seventh of February, 1719, and baptized by said Mr William Mitchell.

[Continued in the hand of *Thomas Haliburton.*]

My brother John Haliburton, Doctor of Medicine at Jedburgh, was married to Christian Elliot, daughter of Simeon Elliot of Swinsyde, upon the twenty-ninth of Aprile, i^{m}vii^{c} and fourteen years, by Mr William Mitchell, minister of the Old Kirk at Edinburgh.

My brother John his eldest son was born upon Munday the sixteen of May, i^{m}vii^{c} and fifteen years, twixt six and seven at night; and was baptized by Mr M^{c}Kay, minister of Jedburgh.

His second child, Jean, was born upon Saturday the twenty-seventh of October, i^{m}vii^{c} and sixteen years; and was baptized by the foresaid Mr M^{c}Kay, minister of Jedburgh; and dyed the 23d of October y^{e} year following.

His second daughter, Jean, was born upon the twenty-sixth day of August, i^{m}vii^{c} and eighteen; and was baptized by the said Mr M^{c}Kay.

His second son, Simeon, was born upon the fifth day of May, i^{m}vii^{c} and twenty; and baptized by the foresaid Mr M^{c}Kay.

His thrid daughter, Margret, was born upon the twenty-eight of February, i^{m}vii^{c} and twenty-two years; and baptized by the foresaid Mr M^{c}Kay.

His fourth daughter, Christian, was born upon the tenth day of February, i^{m}vii^{c} and twenty-four years; and baptized by the foresaid Mr M^{c}Kay.

My brother John Haliburton, Doctor of Medicine at Jedburgh, and present Provest in the town, skilfull in his employ, of ane fine naturall temper, much master of all passions, oblidging to all ranks, circumspect and devout in his life and conversation, dyed at Edinburgh upon the 20 day of Aprile, 1736, and was decently buried there upon the 22 of said moneth; regretted by all that knew him, and particularly by all his friends, and the town of Jedburgh, wherein he discharged that office most faithfully to the contentment of all persons, having had a good judgment, and exact in all business.

His eldest son, John Haliburton, merchant in Edinburgh, a promising young man, dyed at Edinburgh upon the 3d of August, 1747, much regretted by his friends and all that knew him; and succeeded by his brother, Simeon, who, with his other friends, buryed him upon the 5th of August in the Greyfriers church-yard beside his father.

My second brother, Andrew Haliburton, Writer to the Signet, dyed upon Munday at four in the afternoon, being the twenty day of February, 1738, at his house in Edinburgh, and was interred there upon the 22 of the said moneth; and as his character was unblameable, he was much regretted by all his acquaintance as weell as friends in the place.

My thrid brother, William Haliburton, dyed upon Friday the sixth of February, i^{m}vii^{c} and forty-seven years, and was interred upon the eight day, at Edinburgh, in the Grayfriers; was married to ane widow in his old days, and had no children; long troubled with ane palsie; was bred ane merchant.

My sister Mary was married to Gideon Elliott, third son to Simeon Eliott of Swinside, who gave him the lands of Hardwood and Sclatehills, upon the twenty-ninth day of Aprile, i^{m}vii^{c} and fifteen, by Mr Robert Liver, minister at Mertoun.

It pleased God to remove my sister Mary upon Sabath morning the 19 of January, i^{m}vii^{c} and thirty-five years, at Haddon; and her corps carried to Hawik, and interred in the church there, with her six children; and left two tender girls behind her; much regretted by her friends and neighbours, and enjoyed a fair character.

It pleased God to remove my sister, Barbara Haliburton, upon the twenty-thrid day of August, in the morning, and was interred at Fairnington upon the 26, in the 82 year of her age; a virtuous woman, and did much for that family, none excelling her in good management, both within and without doors; and weell attended upon by her son David, who came home from Jamaica during her trouble, whom God will reward.

George Rutherfurd, younger of Fairnington, my nephew, was born upon the fifth of December, i^{m}vi^{c} and ninety-one years, and was baptized by Mr John Dalglish, minister of Roxburgh, at Fairnington; who proved a plague to his own family, by quarelling his brother-in-law Muirhouslaw, whose blood was spilt at last, and next upon his father and my family for not countenancing his conduct.

Thomas Haliburton of Morehouselaw was born upon the twenty-seventh of January, i^{m}vi^{c} and ninety-two years; and was baptized by Mr Robert Wilsoun, minister of Melros, at Melros, upon the twelth of February the said year; and was married to Elizabeth Rutherfurd, second daughter to Fairnington, upon the tenth of December, i^{m}vii^{c} and eight years. And after the said Thomas his death, she married Baillie George Haliburton, third son to Patrick Haliburton, Dean of Gild at Edinburgh, who was brother to John Haliburton of Murehouslaw; wishing she may prove kind to the family.

Robert Pringle of Clifton, our cousin, being some years a widow, having had severall children by his lady, sons and daughters abundantly promissing, having got that estate by their mother Janet Pringle, heiress of the same,—when upwards of fifty, married Margret Rutherfurd, my niece, eldest daughter to Fairnington, which was not agreeable to his children and his other near relations, nor to me or any of my family, who had no hand in it, they being married clandestinely to the surprise of his children.

Elizabeth Haliburton, eldest daughter to my brother Andrew Haliburton, was married to John Robertson, merchant in Edinburgh, son to William Robertson, merchant there, last day of December, i^{m}vii^{c} and twenty-two years, by Mr William Mitchel, minister of the New Church at Edinburgh.

Her eldest son, William, was born upon Munday the 23d day of September, 1723 years.

Her daughter Marion was born upon the 29 of September, 1724 years.

Her daughter Agnes was born September 16, 1725 years.

Her son Andrew was born the 13 day of June, 1727 years.

My second daughter, Barbara, was maried to Robert Scot, second son to Walter Scot, uncle to Raeburn, upon the sixteen day of July, 1728 years, at my house in Dryburgh, by Mr James Innes, minister at Mertoun, their mothers being coussings; may the blessing of the Lord rest upon them, and make them comforts to each other, and to all their relations.

Their son Walter was born upon the 11 of May, being Sabbath, about six in the morning, and was baptized at their house in Sandyknow, by Mr William Walker, minister of Makerstoun, upon the 17 of the foresaid moneth, both his grandfathers being witnesses, with his unckells, (father's brethren,) 1729 years.

Their second son, Thomas, was born upon the 7th of January, twixt three and four in the morning, and was baptized at their house in Sandyknow, by Mr James Innes, minister of Mertoun, upon the ninth day of the foresaid moneth, being Saturday, his two uncles and I being witnesses, in the year 1731.

Their eldest daughter, Janet, was born upon Munday the 14 of May, twixt seven and eight at night, and was baptized at their house in Sandyknow, by Mr James Innes, minister of Mertoun, upon the twenty-second day of the foresaid moneth, being Tuesday; Makairston, Harden, Raeburn, and his brother Walter, and I, being witnesses, in the year i^{m}vii^{c} and thirty-three.

Their second daughter, Mary, was born upon Thursday the thirteen day of March, in the afternoon, and was baptized upon Teusday the eighteen, at Sandyknow, by Mr James Innes, minister of Mertoun;

Raeburn, Walter Scot in Bailieknow, his brother William, and I, being witnesses, in the year i^{m}vii^{c} and thirty-five.

Their thrid daughter, Jean, was born upon Saturday the eleventh of June, i^{m}vii^{c} and thirty-seven years, and baptized upon Teusday the twenty-first, at Sandyknow, by Mr James Cuninghame, minister of Smaillhome, before these witnesses, Raeburn, his brothers Walter and William Scots, and I, year foresaid; she being born in the morning.

Their thrid son, Robert, was born upon Sabath, about half ane hour after two in the morning, being the 20 of May, i^{m}vii^{c} and thirty-nine years, and baptized upon Thursday thereafter, being the 24, at Sandyknow, by Mr James Cuninghame, minister of Smailhome, before these witnesses, Raeburn, and Mr Scott, his two brothers Walter and William Scots, and I, year foresaid.

Their fourth daughter, Barbara, was born upon Munday the thrid of May, i^{m}vii^{c} and forty-two years, about six in the evening; and was baptized upon Saturday the eight, at Sandyknow, by Mr John Thorburn, minister at Kirknewton, before these witnesses, Raeburn, Walter and William Scots his two brothers, and I, year foresaid.

Their fourth son, John, was born upon Saturday the second of September, i^{m}vii^{c} and forty-nine years; and was baptized at Sandyknow upon Saturday the ninth day, by Mr Duncan, minister at Smailhome.

My wife's brother, John Coutts, merchant in Edinburgh, was maryed to Mrs Jean Stewart, second daughter to Sir John Stewart of Allanbank, upon the tenth day of Aprile, i^{m}vii^{c} and thirty years.

His eldest son, Patrick Coutts, was born upon the fifth day of Aprile, i^{m}vii^{c} and thirty-one years; and was baptized the next day by Mr John Goudie, one of the ministers of Edinburgh.

His second son, John Coutts, was born the twenty-fourth day of February, i^{m}vii^{c} and thirty-two years; and was baptized the same day by Mr John Goudie, one of the ministers of Edinburgh.

His thrid son, James Coutts, was born upon Saturday the tenth day of March, i^{m}vii^{c} and thirty-three years; and was baptized by the foresaid Mr Goudie the same day.

His eldest daughter, Margret, and fourth child, was born upon Saturday the twenty-first of September, i^{m}vii^{c} and thirty-four years; and was baptized by Mr Smith, Principall of the Colledge of Edinburgh.

His fourth son, and fifth child, was born early upon Sabbath morning, being the 7th of September, i^{m}vii^{c} and thirty-five years, named Thomas; and was baptized by Mr Smith, Principall of the Colledge of Edinburgh.

His fifth son was born upon the eighteen day of November, i^{m}vii^{c} and thirty-six years; whereof his mother dyed in a short time after, much regretted by friends and of all that knew her. The child lived, and was baptized after his mother's deathe by Mr Gullon, ane countrey minister, and called Stewart Coutts, who dyed in a short time after his mother.

SIMEON HALIBURTON of Howclough, my nephew, was maryed to Elizabeth Elliot, second daughter to Robert Elliot of Midlmiln, upon the nineteenth day of May, i^{m}vii^{c} and forty-nine years. He was ordained minister at Casselltoun in Lidissdale, upon the twenty-thrid day of January, i^{m}vii^{c} and fifty-one years.

Mr Simon his spouse was safely delivered of ane daughter at Castleton, upon the 14 day of November, 1752, about two of the clock in the morning, and baptized Kathrine, thereafter.

[The three following entries in a different hand.]

His eldest son, John, was born on the 17th day of September, 1754, about 8 in the morning, and baptized by Mr Petrie at Canobie.

His second son was born on the 8th of February, 1757, and was baptized Robert.

His third son was born on the 22d November, 1759, and called Thomas; who dyed on the 27th July, 1765, and interred at Ashkirk.

FAMILIES

OF THE

NAME OF HALIBURTON.

[These genealogical notices concerning the families of the name of Haliburton, are published from a manuscript of the late Mr Walter Scott, Writer to the Signet, representative of the family of Newmains and Mertoun, in right of his mother, Barbara Haliburton. It appears to have been drawn up in answer to the enquiries of Mr William Haliburton, of Halifax, Nova Scotia, who claimed a descent from the Haliburtons of Hadden. The manuscript is the scroll of a letter addressed to Mr Brown of Melrose, and is dated 8th May, 1792. It mentions all the gentlemen of the name who were alive at that period, so far as was known to the writer, and is therefore interesting to those connected with this ancient surname. Some minute details are omitted.]

---

1. ALEXANDER Lord HALIBURTON—DIRLETON—PITCURR.

Pitcurr, who died about 1742 or 3, left one son and three daughters.

1. Coll. James Haliburton.

One daughter, Lady Morton.

One ditto, [married] Dr Douglass.

One ditto, [married] Mr Wedderburn, Gosford.

The two last [had] no children.

Lady Morton left issue two sons and one daughter, Lady Aboyne, whose son now inherits the estate of Pitcurr.

THOMAS HALIBURTON OF NEWMAINS. Had three brothers.

1. John, a physician in Jedburgh, who had several children, all now dead, except Mr Simon, minister at Askirk, and a sister, Margaret. Mr Simon has a son in the service of the East India Company.*

2. Mr Andrew left one daughter and several sons, all now dead. Gavin Haliburton, in Jamaica, was the last of his sons; left no issue.

3. William, Andrew's brother, was married, but left no issue.

Mary, his [Thomas of Newmains's] eldest sister, married to Gideon Elliot of Harwood; she died in 1735; left issue two daughters, Christian and Elizabeth. The last still alive, married to Dr Isaac Davidson, minister at Sorbie, has issue one son, a clergyman, Elliot Davidson.

Elizabeth, married to Mr Andrew Oliver; she and her husband, about 1735, went to Boston, in New England; both died many years ago without issue.

INCHDARNEY, IN EAST LOTHIAN. A female succeeded; married to Peter Lindsay; issue three daughters. The eldest married Alexander Lord Blantyre. Of this family, James Haliburton, Writer to the Signet, was descended; he is now dead; has left one son, Andrew, who follows his father's profession, and one daughter. Andrew never married.

HALIBURTON OF MUIRHOUSELAW. Two sons living, John and David.†

THOMAS HALIBURTON, son to Provost Haliburton in S^{t} Eustacia, has two sisters alive.

HALIBURTON IN HADDEN.

James taught a school in Maxwellheugh, near Kelso, about 1740,

---

* This gentleman died without issue.

† David Haliburton of Muirhouselaw, the representative of that ancient family, survives—Unmarried.

had a sister Janet married to Andrew Davidson, brother to John Davidson of Kirkraw. Andrew farmed the lands of Spylaw, near Kelso; had a son by the said Janet, [namely,]

Thomas Davidson, surgeon in Kelso, who married —— Scott, daughter to John Scott of Belford. Thomas Davidson succeeded to the estate of Kirkraw, which he sold to the Duke of Roxburgh; died in the year 17—, leaving issue a daughter, Mrs Brown, relict of Coll. Brown of Blackburn.

MR HALIBURTON, a clergyman at Dundee, eminent for his learning and piety; left issue several daughters.

Mr Wishart, Principal of the University of Edinburgh, married to one of these; the rest died unmarried.

John Haliburton, Provost of Dundee.

Mark Haliburton, farmer at Woolmill, a large family.

Robert Gillespie, Clearburn.*

Robert Haliburton, Prestonpans.

Issue living one son, Campbell Haliburton, late in Canada.†

Patrick Haliburton, a farmer in East-Lothian, near to Haddington, a respectable family, and has several sons doing well.

Wm. Elliot, Laceman, proprietor of Hadden, his daughter married the late Sir Gilbert Elliot of Stobs, father to Lord Heathfield; the lands of Hadden acquired from the Murrays of Newton.

The Rev. Mr Simon Haliburton was the second son of Dr John Haliburton, physician in Kelso, was bred a clergyman; his elder brother, John, was a merchant in Edinburgh; he died in the leaving his affairs in disorder. Simon succeeded to his brother, died upon the he married Elizabeth Elliot, second daughter of —— Elliot of Medlum Mill, of which marriage there was issue two sons, and died

---

* Died unmarried. † Died without issue.

young. John, the eldest, is alive, and a captain in the service of the East India Company.* The said Mr Simon, as has been said, was bred a clergyman, and soon after his marriage he was ordained minister of Castletoun, in the presbytery of Langholm, upon the . This proved but an uncomfortable settlement; the people were unreasonable, and did every thing in their power to render Mr Simon's life uneasy. Mr Haliburton was relieved from that charge, being translated upon the day of to Askirk, in the presbytery of Selkirk, and he died at Askirk Manse upon Thursday, 28th April, 1797.

I might here add some account of the different families of the name of Haliburton, who at an early period existed in this country, and at that time seem to have been both numerous and opulent. Berwickshire seems to be the first place where we find any of them, which probably might be owing to their attachment to the powerful family of the Douglasses. They extended themselves from thence to East Lothian, Roxburghshire, and the county of Angus, or the Mearns, and seem to have been both powerful and wealthy. But what would it avail your correspondent to get a catalogue of names, or of the honours they possessed, the offices of trust they held, with the gallant actions they performed! These men, however considerable, and however much respected while living, are now dead and gone, and their families extinct. The very name of Haliburton is now a rarity here, and except John Haliburton of Muirhouselaw, there is not one of that name in Scot-

---

* This gentleman died in India without issue, as formerly mentioned, and was the last existing male of the family of Newmains and Mertoun.

land, who is proprietor of a single acre of land. Pitcurr, the chief of the family, is no longer Haliburton, as, through a female succession, that estate has now descended to the second son of Lord Aboyne, who, to his own name Gordon, has added Haliburton; and the estate of Eaglescarnie, in East Lothian, is in the same state, being now in the possession of Mr Lindsay. There were several families in the shire of Angus, in the neighbourhood of Dundee, of the name of Haliburton, but these are all gone, and their properties sold and in the hands of others, and John Haliburton, late Provost of Dundee, is the only one of these who remains. The same is the case with the families of Newmains, in Berwickshire, in the south. Of that family, Mr Simon Haliburton, a clergyman, who has one son, a captain in the East India Company's service, [saving whom] not one of the male line exists. To enter minutely into the histories of these families, would be a great waste of time, and could draw to no beneficial conclusion.

But as Mr Haliburton seems to have been at considerable pains in his inquiries, and may wish to know something in general respecting that tribe to which he belongs, I take the liberty to subjoin the following remarks.

In Berwickshire, and not far from the town of Greenlaw, there are two farms, the one of them called the Meikle, (large,) and the other the Little Haliburton. These lands seem to have been the earliest possessions which the Haliburtons had, and whether these lands gave rise to the surname of Haliburton, or that the Haliburtons, after acquiring them, affixed that name, is not a clear point. It is, however, a known fact, that the Haliburtons long remained the proprietors of these lands, which now are the property of the Earl of Marchmont; and it is a very probable conjecture, that your correspondent may be descended from some of these people, who, upon the loss of their possessions, might advance nearer to the borders of the kingdom, a situation which, in for-

mer times, had its peculiar advantages, and thus it may have happened that Mr Haliburton's grandfather, or rather some of his predecessors, may have resorted to Hadden.

I may also remark, that the hostile spirit which prevailed amongst the Borderers upon the opposite sides, was the source of constant feuds, and cause of frequent inroads and depredations upon each other; while, at same time, the laws which then subsisted with respect to commerce carried on betwixt the two countries, afforded good opportunities to the Scotch, and which they did not fail to improve, of carrying on a very beneficial, though a contraband, trade with their neighbours.

To all this the Union put an entire stop, and the natives of both kingdoms being thereby incorporated and subjected to the same laws, with respect to government and police, the unlawful advantages which they formerly reaped from their particular situation, all vanished at once. They felt the change of situation, and regretted it. They were strangers to arts; and but little acquainted with agriculture; of course, many of the people not being able to find subsistence, left the country: And being, I may almost say, the only district of country which felt any inconvenience from the Union, so they were the last to forget their prejudice against it.* The country they possessed upon the east was well adapted for cultivation; yet, till about 1745, little or nothing was done in that way. Since that period, indeed, there has been a wonderful change; that country is greatly improved, and well it has returned for the expence bestowed; for I myself know lands, not far distant from Hadden, which, in my remembrance, rose from £200 per annum, to a well paid rent of £1100 from a thriving tenantry.

---

* The writer of this letter used often to mention, that, in his youth, there was a popular preacher on the Border, who used to confess that he never could conclude a sermon without introducing what he termed a "blad at the Union."

From these circumstances Mr Haliburton may see how a predecessor of his, about 100 years ago, might lose his life, and how another might be stript of his possessions, and reduced to want; the situation of the Borders was such, that men's lives and properties were in danger, and law, as then administered, was but a feeble protector, especially where there was a powerful persecutor; for all that period a set of officers, called Wardens of the Marches, had the oversight of the marches, and were the judges in all controversies. The office was of a mixed nature, partly civil and partly military, and those who held it were not the most chaste judges, and therefore it might very probably happen that Mr Haliburton's predecessor who was in Hadden, might be forced from thence, and stript of his all by some very unjustifiable measure.

* * * * * * *

[The remainder of the letter regards matter of a merely private nature.]

PRECOGNITION

CONCERNING

THE SLAUGHTER OF

THOMAS HALIBURTON OF MUIRHOUSELAW,

BY

GEORGE RUTHERFORD OF FARNINGTON.

This melancholy instance of the Border custom of drinking deep, and taking deep revenge for slight offences, is the affair alluded to at the bottom of p. 49. George Rutherford of Fairnington was a very violent-tempered man; he afterwards attempted to pistol his uncle, Thomas Haliburton of Newmains, in the court-yard before his own house.

Att Hairstanes, the sixteenth day of May, i^m^vii^c and sixteen years, betwixt the hours of four and five in the afternoon.

THE s^d day and place, upon application made to John Simpson of Sharplaw, Sheriff-depute of Roxburgh, be Thomas Rutherford of that ilk, Thomas Haliburton of Newmains, and Mr Mark Dunkison of Great Laws, three of the friends and kinsmen to the now deceast Tho^s. Haliburton of Murehouselaw, for taking all the information and precognition anent the way and manner of the s^d Tho^s. Haliburton's death, and the circumstances relating y^r to. In the first place, the s^d John Simpson, Sheriff-deput forsaid, caused conveen before him the persons

under-written, viz. George Rutherford of Fairnington; Alexander Hog, servitor to the defunct; and John Douglas, servitor to Fairnington; who compearing personally, and being examined upon the s^{d} matter of fact, they and ilk ane of them made the sēal declarations in manner under wri^{tte} as follows, viz. George Rutherford of Farnington declares, that yesternight about twelve o'clock, or y^{r}by, the defunct and declarant coming from Jed^{r} in company together, w^{t} y^{r} own servants homeward in the common rode, betwixt Bonjed^{r} and the water of Tiviot, the s^{d} George declares that he saw the defunct dismount from his horse, and run down a furr of land for a little piece, but the night being dark could not see him, but heard him say that he had given himself the wound; and further declares, that no warm words or rude expressions past betwixt the defunct and declarant in the way home, to the best of my knowledge. In testimony q^{r}of I have signed this declaration, day and place fores^{d}, *sic subtur*.

J. RUTHERFORD.
JOHN SIMPSON.

Alexander Hog, servitor to the defunct, being examined, declares, That Farnington and the defunct, Murehouslaw, came from Jed^{r} together, in company with their two servants, in a peaceable manner, w^{t}out giving provocation to ony ano^{r}, untill they cam to the s^{d} common rode q^{eh} leads from Bonjed^{r} to Tiviot-water, att which place some words past betwixt y^{e} defunct and Farnington about a well. Whereupon Farnington desired Murehouselaw to light if he was a man; and immediately Murehouselaw dismounted from his horse, and drew his sword; as likeways did Farnington dismount and draw his sword at the same time; and declares, that Farnington never push'd at Murehouselaw, but that Murehouselaw offered to strike at Farnington, but y^{e} declarant stopt him from striking Farnington:

And furder declares, that he took the swords from them both, and kept them in his hands for som time, but y^t^ Murehouselaw came to y^e^ declarant, and took the sword out of his hand, thereafter rane doun the furr of land a little peace with the drawn sword in his hand, att q^ch^ time the defunct cried out to the declarant, Sandie, I have stog^d^ myself in the leg; bring me my horse, for I am gone: And declares, y^t^ Farnington delivered the declarant his sword peaceably, and did not call for it again till Murehouselaw was near dead. *Causa scientiæ.* He declares, y^t^ he was waiting on his master, y^e^ defunct, and that he came from Jedburgh yesternight in y^r^ company, about twelve att night; and I have signed this declaration, day and place forsaid, *sic subtur.*

(Signed) ALEXANDER HOG.
JO. SIMPSON.

The said John Douglass declares, he saw Farnington light off his horse, and that the horse rane away, and the declarant pursued after the horse, but knows nothing else of the matter. Declares he cannot write, *sic subtur.*

(Signed) JOHN SIMPSON.

We, the physician and surgeons under-subscriving, being called att the desire of the relations of the deceast, Thomas Haliburtoun of Murehouselaw, for to discover and cognose his wounds, and take inspection of his body. Having made very narrow search, can find nothing ey^r^ of fracture in his scull, nor oy^r^ thing preturnaturall about his head; and having also viewed the trunk of his body, or whole thorax and abdomen, can perceive nothing ey^r^ of wound or hurt ther. But upon enquirie, we discovered a wound in his left leg, about four inches beneath the joynt of his knee on the outside, y^e^ orifice q^r^of lies about an inch from the fore part of the tibia, which wound seems to

have been given by a hollow-bladed sword; and upon search y^r^of, by a prob, do find it to tend about three inches and a half downwards, directly poynting a little betwixt the tibia and fibbula. Upon the whole, we are joyntlie of opinion, that y^e^ wound of itself, had ordinary and timeous dilligence been done towards it, might easily have been recovered; and the hemorhagy, which appears to have been the cause of his death, might very easily been stopt; and in testimony that the above declaration is our real opinion, this is signed by us att Hairstanes, the 16th day of May 1716, *sic subtur*.

(Signed) JO. HALIBURTON, M.D.
ROBERT ELIOT, Chy^r^.
THOMAS DAUSON, Chy^r^.
THOMAS SIMPSON, S.D^t^.

V. Dawson Brodie